



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

FOIA Service Center

August 27, 2019

Emily Crose
MuckRock News
DEPT MR 65415
411A Highland Ave
Somerville, MA 02144-2516

RE: FOIA Request No. 19-00559-F

Dear Emily Crose:

This letter is a final response to your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated December 11, 2018 and received in this office on December 19, 2018. Your request was forwarded to the appropriate office to search for documents that may be responsive to your request.

You requested the following: I'm seeking any and all documentation created by the Department of Education between the dates of Jan 2017 up to the current date of this request regarding the department of education's policy-based handling of transgender students. I want all memorandums, and emails that contain discussions on the matter of policy development for transgender students and any supporting decision making documentation to shed light on how the department of education has come to adopt the stance they have on students who fall into this category.

PLEASE SEE DOCUMENT RECORDS FOR DETAILS

Enclosed is a CD containing 1,413 pages of documents responsive to your request. The documents provided are:

- 17-01322-F
- 17-01322-F (2)
- 19-00599-F OS Responsive Docs

However, certain information has been withheld according to FOIA exemptions (b)(5), (b)(6) and (b)(7)(E), specified below:

- Records or portions of records relating to certain intra-agency information is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(5) of the FOIA. This exemption permits the withholding of inter- or intra-agency information that could be withheld under civil discovery, including information subject to the deliberative process, attorney-client, or attorney-work product privileges.

- Records or portions of records relating to personal information is exempt pursuant to 5 U.S.C. §552 (b)(6) of the FOIA. Disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.
- Records of portions of records relating to the techniques and procedures that are used for a law enforcement purpose is exempt pursuant to (b)(7)(E) of the FOIA. Disclosure of this information could reasonably be expected to disclose the information pertaining to all law enforcement information that “would disclose techniques and procedures for law enforcement investigations or prosecutions and could reasonably be expected to risk circumvention of the law.”

Provisions of the FOIA allow us to recover the costs pertaining to your request. The Department has concluded that you fall within the category of “an all other use requester.” However, the Department has provided you with this information at no charge. The Department's release of this information at no cost does not constitute the grant of a fee waiver and does not infer or imply that you will be granted a fee waiver for future requests made under FOIA to the Department. Because we were able to locate and process these documents at minimal costs, they are provided to you at no cost.

You have the right to seek assistance and/or dispute resolution services from the Department's FOIA Public Liaison or the Office of Government Information Services (OGIS). The FOIA Public Liaison is responsible, among other duties, for assisting in the resolution of FOIA disputes. OGIS, which is outside the Department of Education, offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to appeals or litigation. They can be contacted by:

Mail	FOIA Public Liaison Office of the Executive Secretariat U.S. Department of Education 400 Maryland Ave., SW, LBJ 7C132 Washington, DC 20202-4500	Office of Government Information Services National Archives and Records Administration 8601 Adelphi Road Room 2510 College Park, MD 20740-6001
E-mail	robert.wehausen@ed.gov	OGIS@nara.gov
Phone	202-205-0733	301-837-1996; toll free at 1-877-684-6448
Fax	202-401-0920	301-837-0348

You have the right to appeal this decision by writing to the address below, 90 calendar days from the date of this letter. Using the services described above does not affect your right or the deadline to file an appeal. Your appeal must be in writing and must include detailed statement of all legal and factual bases for the appeal; it should be accompanied by this letter, a copy of your initial letter of request, and any documentation that serves as evidence or supports the argument you wish the Department to consider in making an administrative determination on your appeal.

Appeals may be submitted using the on-line form available at
www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf.

E-mail: EDFOIAappeals@ed.gov
Fax: 202-401-0920
Mail: Appeals Office
Office of the Executive Secretariat
U.S. Department of Education
400 Maryland Avenue, SW, LBJ 7W106A
Washington, DC 20202-4536

Sincerely,

Elise Cook
Elise Cook
FOIA Analyst
Office of the Executive Secretariat

Enclosure